

RESOLUTION NO. A-_____

USE PERMIT NO. 06004

1 WHEREAS, Southview and Ridge Development Company have submitted an
2 application in accordance with Section 27.31.100 of the Lincoln Municipal Code designated as
3 Use Permit No. 06004 to develop 224,000 square feet of commercial floor area, including a
4 request to allow signs for individual pad sites to be located more than 30 feet from the building,
5 on property generally located northwest of the intersection of South 40th Street and Yankee Hill
6 Road, legally described to wit:

7 The remaining portion of Outlot "F", Pine Lake Heights South 7th
8 Addition, located in the Southeast Quarter of Section 19,
9 Township 9 North, Range 7 East of the 6th P.M., City of Lincoln,
10 Lancaster County, Nebraska, and more particularly described as
11 follows:

12 Commencing at the southeast corner of said remaining portion of
13 Outlot "F", said point being 60.00 feet north of the south line of
14 said Southeast Quarter, and 88.00 feet west of the east line of
15 said Southeast Quarter, said point being the true point of
16 beginning; thence west along the south line of said remaining
17 portion of Outlot "F", on an assumed bearing of north 88 degrees
18 05 minutes 40 seconds west, said line being the north line of
19 Yankee Hill Road right-of-way, said line being 60.00 feet north of
20 and parallel with the south line of said Southeast Quarter, a
21 distance of 846.59 feet to the southwest corner of said remaining
22 portion of Outlot "F"; thence north 43 degrees 05 minutes 40
23 seconds west along a southwest line of said remaining portion of
24 Outlot "F", said line being a northeast line of South 37th Street
25 right-of-way, a distance of 22.63 feet to a point; thence north 01
26 degrees 54 minutes 20 seconds east along a west line of said
27 remaining portion of Outlot "F", said line being an east line of said
28 right-of-way, a distance of 64.00 feet to a point of curvature;
29 thence along a curve in a counter clockwise direction having a
30 delta angle of 29 degrees 55 minutes 35 seconds, a radius of
31 240.00 feet, an arc length of 125.36 feet, a chord bearing of north
32 13 degrees 03 minutes 28 seconds west along a west line of said
33 remaining portion of Outlot "F", said line being an east line of said
34 right-of-way, and a chord distance of 123.94 feet to a point of
35 reverse curvature; thence along a curve in a clockwise direction
36 having a delta angle of 29 degrees 55 minutes 35 seconds, a
37 radius of 360.00 feet, an arc length of 188.03 feet, a chord bearing
38 of north 13 degrees 03 minutes 28 seconds west along a west line

of said remaining portion of Outlot "F", said line being the east line of said right-of-way, and a chord distance of 185.90 feet to a point of tangency; thence north 01 degrees 54 minutes 20 seconds east along the west line of said remaining portion of Outlot "F", said line being the east line of Grainger Parkway right-of-way, a distance of 243.41 feet to a point of curvature; thence along a curve in a clockwise direction, having a delta angle of 63 degrees 28 minutes 13 seconds, a radius of 250.00 feet, an arc length of 276.94 feet, a chord bearing of north 33 degrees 38 minutes 26 seconds east along the northwest line of said remaining portion of Outlot "F", said line being a southeast line of said right-of-way, and a chord distance of 263.00 feet to a point of tangency; thence north 65 degrees 22 minutes 33 seconds east along a northwest line of said remaining portion of Outlot "F", said line being a southeast line of said right-of-way, a distance of 146.02 feet to a point of curvature; thence along a curve in a clockwise direction, having a delta angle of 24 degrees 41 minutes 04 seconds, a radius of 1,360.00 feet, an arc length of 585.92 feet, a chord bearing of north 77 degrees 43 minutes 05 seconds east along the north line of said remaining portion of Outlot "F", said line being the south line of said right-of-way, and a chord distance of 581.40 feet to a point of tangency; thence south 89 degrees 56 minutes 23 seconds east along the north line of said remaining portion of Outlot "F", said line being a south line of said right-of-way, a distance of 76.54 feet to the northeast corner of said remaining portion of Outlot "F"; thence south 44 degrees 55 minutes 23 seconds east along a northeast line of said remaining portion of Outlot "F", said line being a southwest line of said right-of-way, a distance of 39.59 feet to an east corner of said remaining portion of Outlot "F"; thence south 00 degrees 05 minutes 36 seconds west along the east line of said remaining portion of Outlot "F", said line being the west line of South 40th Street right-of-way, said line being 60.00 feet west of and parallel with the east line of said Southeast Quarter, a distance of 733.15 feet to an east corner of said remaining portion of Outlot "F"; thence north 89 degrees 54 minutes 24 seconds west along a south line of said remaining portion of Outlot "F", said line being a north line of said right-of-way, a distance of 10.00 feet to an east corner of said remaining portion of Outlot "F"; thence south 00 degrees 05 minutes 36 seconds west along the east line of said remaining portion of Outlot "F", said line being the west line of said right-of-way, said line being 70.00 feet west of and parallel with the east line of said Southeast Quarter, a distance of 278.56 feet to an east corner of said remaining portion of Outlot "F"; thence south 45 degrees 59 minutes 58 seconds west along the southeast line of said remaining portion of Outlot "F", said line being a northwest line of Yankee Hill Road right-of-way, a distance of 26.06 feet to the point of beginning, said tract contains a calculated area of 896,583.42 square feet or 20.58 acres, more or less;

1 WHEREAS, the real property adjacent to the area included within the site plan for
2 this construction of commercial space will not be adversely affected; and

3 WHEREAS, said site plan together with the terms and conditions hereinafter set
4 forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to
5 promote the public health, safety, and general welfare.

6 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
7 Lincoln, Nebraska:

8 That the application of Southview and Ridge Development Company, hereinafter
9 referred to as "Permittee", to develop 224,000 square feet of commercial floor area be and the
10 same is hereby granted under the provisions of Section 27.31.100 of the Lincoln Municipal
11 Code upon condition that construction and operation of said commercial space be in strict
12 compliance with said application, the site plan, and the following additional express terms,
13 conditions, and requirements:

14 1. This approval permits 224,000 square feet of commercial floor area with an
15 adjustment to the sign requirements to allow individual pad signs to be located more than 30'
16 from the building.

17 2. Before receiving building permits:

18 a. The Permittee shall submit to the Planning Department for review and
19 approval a revised site plan including 5 copies showing the following:

20 i. Any revisions required by Public Works and Utilities per the
21 revised traffic study.

22 ii. A revised landscape plan showing: 1 - street trees deleted; 2 - a
23 tree species other than Ponderosa Pine planted in mass per Parks
24 and Recreation's review; 3 - a note that states "THE
25 LANDSCAPING SHOWN ALONG SOUTH 37TH STREET AND
26 GRAINGER PARKWAY REPRESENTS THE MINIMUM AMOUNT
27 REQUIRED. ADDITIONAL LANDSCAPING MAY BE PLANTED,
28 BUT THE REQUIRED AMOUNT SHALL NOT BE REDUCED
29 BELOW WHAT IS SHOWN. ALL OTHER LANDSCAPING TO
30 COMPLY WITH LINCOLN MUNICIPAL CODE TITLES 26 AND 27
31 AND THE CITY OF LINCOLN DESIGN STANDARDS AT THE
32 TIME OF BUILDING PERMITS. STREET TREES TO BE

- 1 SHOWN AT TIME OF FINAL PLAT.”
- 2 iii. Add a General Note that states “INTERNAL PEDESTRIAN
3 SIDEWALKS TO BE PROVIDED IN COMPLIANCE WITH THE
4 CITY OF LINCOLN DESIGN STANDARDS AT THE TIME OF
5 BUILDING PERMITS.”
- 6 iv. Delete General Notes 15 and 23.
- 7 v. Delete the text and symbols indicating “Anchor Store Sign.”
- 8 vi. Show the South 40th Street driveway aligned with parking aisles,
9 and the South 37th Street driveway aligned to the satisfaction of
10 Public Works and Utilities.
- 11 vii. Revise General Note #22 to state “A COMMON ACCESS
12 EASEMENT SHALL BE GRANTED OVER ALL DRIVES AND
13 PARKING STALLS.”
- 14 viii. Revise General Note #24 to state “NO BUILDING OR PARKING
15 SHALL BE ALLOWED IN THE 50'-WIDE LANDSCAPE BUFFER
16 ADJACENT TO SOUTH 37TH STREET OR GRAINGER
17 PARKWAY.”
- 18 ix. Delete waiver #1.
- 19 x. Show a vehicle turn-around in the loading area on the west side of
20 the anchor building.
- 21 xi. Show the location of the high-pressure gas line.
- 22 xii. Revise the last line of General Note #13 to state: “THE PARKING
23 LOT AND BUILDING LAYOUT SHOWN IS CONCEPTUAL. THE
24 ACTUAL LAYOUT WILL BE DETERMINED AT THE TIME OF
25 BUILDING PERMIT AND SHALL CONFORM TO THE CITY OF
26 LINCOLN ZONING ORDINANCE AND DESIGN STANDARDS.
27 LANDSCAPING AND SIGNS NEED NOT BE SHOWN ON THIS
28 SITE PLAN, BUT WILL BE SHOWN AT THE TIME OF BUILDING
29 PERMIT. SIGNS TO CONFORM TO THE ZONING
30 ORDINANCE, EXCEPT AS ADJUSTED BY THIS USE PERMIT
31 AND EXCEPT THAT WALL SIGNS SHALL NOT BE ALLOWED
32 ON THE NORTH AND WEST WALLS OF THE ANCHOR
33 STORE.”
- 34 xiii. Add a General Note that states “ANY LIGHTING ON THE NORTH
35 AND WEST SIDES OF THE ANCHOR STORE TO COMPLY
36 WITH DESIGN STANDARDS Chapter 3.00, SECTION 8.
- 37 xiv. Add a north arrow and scale.
- 38 xv. Correct the total acreage in the legal description.

- xvi. Revise General Note #9 to state "ALL MEDIANS, LANDSCAPING AND PEDESTRIAN CIRCULATION WITHIN THIS USE PERMIT TO MAINTAINED BY AN ASSOCIATION OF PROPERTY OWNERS."
- xvii. Revise General Note #20 to state "ATM'S. FENCES, DECORATIVE STRUCTURES AND ACCESSORY BUILDINGS ARE NOT SHOWN ON THE SITE PLAN BUT MAY BE CONSTRUCTED IF THEY ARE 25' X 25' OR SMALLER AND ARE CONSTRUCTED OUTSIDE OF SETBACKS, SIGHT TRIANGLES, EASEMENTS, AND REQUIRED MINIMUM PARKING, AND ARE BUILT ACCORDING TO ZONING ORDINANCE PROVISIONS, AND ARE IN CONFORMANCE WITH ALL OTHER APPLICABLE CODES."
- b. Grading and drainage and utility plans revised to the satisfaction of Public Works and Utilities.
- c. A traffic study accepted by Public Works and Utilities.
- d. A final plat for the site is approved.
- e. The construction plans comply with the approved plans.
3. Before occupying the buildings all development and construction is to comply with the approved plans.
4. All privately-owned improvements, including landscaping and pedestrian circulation facilities, are to be permanently maintained by the owner or an appropriately established homeowners association approved by the City.
5. The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. This resolution's terms, conditions, and requirements bind and obligate the Permittee, its successors and assigns.
7. The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a

- 1 copy of the resolution approving the special permit and the letter of acceptance with the
- 2 Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2006:

Mayor